

# **SUPPORTING DOCUMENT NO. 1**

Wendell H. Ford Aviation Investment and Reform Act  
for the 21<sup>st</sup> Century  
Public Law No. 106-181  
Section 503  
(49 USC 44718)

Note: Exact text retyped from original statute.

**SEC. 503. LANDFILLS INTERFERING WITH AIR COMMERCE.**

(a) FINDINGS.—Congress finds that—

- (1) collisions between aircraft and birds have resulted in fatal accidents;
- (2) bird strikes pose a special danger to smaller aircraft;
- (3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) LIMITATION ON CONSTRUCTION.—Section 44718(d) is amended to read as follows:

“(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

“(1) IN GENERAL.—No person shall construct or establish a municipal solid waste landfill (as defined in section 258.2 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this subsection) that receives putrescible waste (as defined in section 257.3–8 of such title) within 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.

“(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply in the State of Alaska and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of the enactment of this subsection.”.

(c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3) is amended—

- (1) in subparagraph (A) by striking “or” at the end;
- (2) in subparagraph (B) by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following:

“(C) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;”.